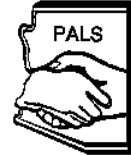




Network News

Parent Information Network



June 2005

Vol. 13, No. 4

Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04)

P.L. 108-446

by Joanne Phillips, Deputy Associate Superintendent,
Arizona Department of Education

Reauthorization of the IDEA occurred on December 3, 2004, with President Bush's signature on House Bill 1350. The effective date for IDEA '04 is July 1, 2005, with the exception of the highly qualified teachers (HQT) provisions, which became effective immediately. Many of the changes were generally anticipated, as language had appeared in both the House and Senate versions, but several were quite unexpected, as they had not been previously discussed. We now await the regulations and interpretation of the many ambiguous new sections.

On April 21-22, 2005, state directors of special education from across the country met with the Office of Special Education Programs (OSEP), U. S. Department of Education, to create a strategy to get through the first year of implementation until we have the regulations. We will hopefully develop a plan that we can share, statewide, to make the first year manageable. Stay tuned!

New themes

- Access to the general curriculum "in the regular classroom"
- Strengthening the role "and responsibility" of the parents
- Coordinating IDEA with "improvement efforts under the Elementary and Secondary Education Act of 1965"
- Scientifically based-instruction; methods and strategies based on peer-reviewed research to the extent practicable
- "Providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children"
- "Parents and school should be given expanded opportunities to resolve their disagreements in positive ways"

- "Teachers, schools, LEAs (Local Education Agencies), and States should be relieved of irrelevant and unnecessary paperwork burdens that do not lead to improved educational outcomes"

- If the State goes beyond federal requirements, it must "identify in writing to LEAs located in the State and the Secretary any such rule, regulation or policy as a State-imposed requirement that is not required by this title and Federal regulations"

Synopsis of Changes

Highly Qualified Teachers

- Effective immediately (12/3/04)
- Highly Qualified (HQ) means full state special education certification, no emergency waivers
- Accepted NCLB criteria and allows up to 2 years for special education teachers teaching multiple core subjects to become Highly Qualified in every area (elementary, middle, secondary)
- Special education teachers at the elementary level and those teaching students curriculum at the elementary level must have elementary education certification or meet the same HQ HOSSE (High, Objective, Uniform, State Standard of Evaluation) criteria
- Special education teachers teaching to alternate achievement standards must meet special education teacher requirements and ESEA requirements under section 9101(23)

Paperwork Reduction

Creates a paperwork reduction pilot program (multi-year IEP) for up to 15 states

Children in Private Schools

- Thorough and complete child find to determine the number of parentally placed children with disabilities attending private schools (including home-schooled children) located in the LEA
- Procedures for determining proportionate share services have been greatly expanded
- District in which the private school is located is now responsible for services

- Direct services may be provided on site
- Number of students evaluated, eligible and served added to annual data reporting requirements
- Private school may file complaint with SEA (State Education Agency) and an appeal of the SEA decision to the Secretary of Education

Disproportionality

Greater emphasis on inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities

Early Intervening Services

LEA can use up to 15% of its Part B funds to develop and implement coordinated, early intervening services for students K-12 (but especially K-3) who have not been identified as special education, but who need additional academic and behavioral support to succeed in the general education environment

Parental Consent

- LEA may seek consent to evaluate through a due process hearing if the parent refuses consent
- If the parent refuses to consent to *receipt* of special education services, there is no obligation to provide FAPE (Free Appropriate Public Education) and the LEA may *not* seek due process
- If services are refused or consent denied for evaluation, the student is *not* considered as a student with a disability in disciplinary matters

Reevaluations

- Three year evaluation is not required when the “parent and the LEA agree that the reevaluation is unnecessary”
- Reevaluations are not needed when a child graduates with a regular diploma or reaches age 22, but the LEA shall provide a summary of the child’s academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals

Eligibility Determination

For specific learning disability (LD), the LEA may use a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures (Responsiveness to Intervention [RTI])

Individual Educational Program (IEP)

- Present levels of Educational Performance is replaced with a statement of the child’s present levels of academic achievement and functional performance, and for a child who takes alternate assessment/alternate achievement standards, a description of benchmarks or short-term objectives

- Annual goals no longer include benchmarks or short-term objectives
- Includes a statement that special education and related services are based on peer reviewed research to the extent practicable
- “Modification” in the administration of State or districtwide assessments is changed to “accommodations”
- Transition services begin at age 16 rather than at age 14 and include appropriate measurable postsecondary goals
- Multi-year IEP pilot program
- Team member attendance is not necessary if parent and LEA agree that attendance is not necessary and/or member submits written input prior to meeting
- After annual meeting, IEP meeting not necessary to make changes if parent and LEA agree

Complaint Resolution

- Statute of limitations and timelines specified/clarified for each step and process
- SEA or LEA can recover attorney’s fees from the parent’s attorney for cause of action that is frivolous, unreasonable or without foundation, or for improper purpose such as to harass, cause unnecessary delay or to needlessly increase the cost of the litigation

Discipline

- Manifestation Determination based on determining:
 - if conduct was caused by, or has direct and substantial relationship to the disability;
 - if conduct was a result of LEA failure to implement the IEP
- 45 day removal expanded to include infliction of serious bodily injury to another
- Reporting of suspensions of one day or more on annual report

This article originally appeared in the Spring 2005 issue of Special Edition, published by the Arizona Department of Education, Exceptional Student Services. ■

More IDEA information

by Shirley Hilts-Adams

A copy of IDEA 2004 may be downloaded from the U. S. Department of Education’s Individuals with disabilities Education Improvement Act (IDEIA) of 2004 web site at www.ed.gov/policy/speced/guid/idea/idea2004.html.

The Office of Special Education and Rehabilitative Services (OSERS), U. S. Department of Education has pub-

lished a series of documents that cover a variety of topics and “brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements.” The documents may be downloaded from the OSERS web site at www.ed.gov/about/offices/list/osers/index.html.

The draft regulations to implement the reauthorized law are scheduled for release through the *Federal Register*, on June 21. A 75-day public comment period will begin on that date. Written comments can be submitted electronically to comments@ed.gov or mailed to the Office of Special Education and Rehabilitative Services, U. S. Department of Education, 400 Maryland Avenue, SW, room 5126, Potomac Center Plaza, Washington, DC 20202-2641, phone 202-245-7468, TDD 800-877-8339. ■

Fall Forum for Parents merges with Transition Conference

by Rita Kenison

Two annual conferences are being merged into one. The special education fall forum for parents is being combined with the annual transition conference scheduled for Sept. 20-22, 2005 at the Wigwam Resort in Litchfield Park, AZ. “Giving Voice to the Future” is the theme surrounding the self-determination message in the Youth Strand, which features youth presenting in sessions *for* youth.

Conference registration must be made on-line at www.ade.az.gov/onlineregistration by clicking on “Giving Voice to the Future transition conference.” If you cannot access the web site, contact Jeanette Zemeida at 602-542-3855 or Toll Free 1-800-352-4558.

Scholarships are available through the Governor’s Council on Developmental Disabilities by contacting Dara Johnson at 602-277-4986 or by going directly to www.azgcdd.org/Training%20Scholarship%20Form.pdf. ■

Name or address change?

by Tina Swearingen

Network News goes out to over 4,000 parents, service providers and schools. We need to continuously update our mailing list to stay current. If you have any changes to your name or address, please let us know. We would also like to know if you are a parent, service provider, or educator.

It’s especially important that agencies provide information on changes to help us update the Blue Pages, a directory of local, regional, state and national disability related resources. To update your information, please contact your Regional PIN Specialist in the next column. Errata sheets of changes are published quarterly and can be downloaded from www.ade.az.gov/ess/pinspals. ■

A fond farewell and warm welcome

by Becky Raabe

Shirley Hilts-Adams, PIN Specialist for Pima, Santa Cruz and Yuma counties, has provided students, families and professionals with exceptional support and advice about special education and disability-related topics. At a recent farewell luncheon ADE administrators heralded Shirley’s contributions. Associate Superintendent Lillie Sly recognized Shirley as “a servant leader, a person of respect and dignity.” Steve Mishlove, ESS Director of Special Projects, acknowledged her “ability to build relationships” and the immeasurable impact she has made on education in Arizona. PIN Program Manager, Rita Kenison, highlighted Shirley’s 25 years of service to public and private organizations, countless state, national and international presentations, and exemplary Parent Information Network leadership.

In the few years that Susan Modos has been a PIN Specialist, she has been instrumental in building family/school partnerships in East Maricopa County. Her disability awareness presentations have positively influenced students and teachers. The Parent Information Network will miss her enthusiasm to make a difference for children with disabilities, families and schools.

As we say ‘good-bye’, we also extend a warm welcome to two new PINS:

Sharon Moeller, West Maricopa County
2275 W. 17th Ave., Apache Junction, AZ 85220
460-288-1245, Sharonstime3@aol.com

Becky Phifer, Cochise, Graham and Greenlee Counties
P.O. Box 147, San Simon, AZ 85632
520-845-2561, nbphifer@vtc.net

Continuing PIN Specialists are:

Jana Bays, Apache and Navajo Counties
1480 W. Huning Circle, Show Low, AZ 85901
928-537-0250, jbays@frontiernet.net

Becky Raabe, Coconino, Mohave and Yavapai Counties
P.O. Box 30007, Flagstaff, AZ 86003-0007
928-526-2566, beckyraabe@aol.com

Tina Swearingen, Gila, Pinal and La Paz Counties
1285 Avenida Grande, Casa Grande, AZ 85222-1015
520-836-3023, kswear99@cybertrails.com ■

Governor signs anti-bullying legislation

by Shirley Hilts-Adams

HB2368 was signed into law and becomes effective Aug. 12, 2005. It requires all public school governing boards “to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils on school grounds, school property, school buses, school bus stops and at school sponsored events and activities.” ■

Tips for a smooth move

by Becky Phifer and Shirley Hilts-Adams

Going to a new school can be traumatic for many children. Whether moving across town or to another state, there are a few strategies that can help smooth that move.

- Review your child's Home File. Records you may need include:
 - birth certificate
 - shot record
 - psychological reports or evaluations (OT, PT, Speech, etc.)
 - IEPs
 - progress reports
 - report card
 - pertinent medical or counseling records
- If you have not developed a home file or can't find your copies of the above documents:
 - Write to Vital Records/Statistics at the state capital in the state in which your child was born. Fees and addresses can be found at web site www.vitalrec.com.
 - Make a written request to your child's current school, as soon as possible, to request the records you're missing. A copy fee may be charged.
 - Contact your Regional PIN Specialist, listed on page 3 for a copy of PR06, *Create a Home File*, or download the document from the PIN web site at www.ade.az.gov/ess/pinspals/documents.
- When you contact your child's new school:
 - Inquire if the school will offer an icebreaker for new students, prior to the start of the semester. Such an event can help new students feel more comfortable in their new setting. Offer to help organize an icebreaker if such an event isn't planned.
 - Ask if the new school has a "buddy" system that pairs a new student with a continuing student to help acquaint the incoming student with the school, its facilities and schedules.
 - Find out if there is a special education parent advisory or support group that you might join when discussing your child's entrance to the new school.
 - Check on the availability of a parent resource center for special education where parents might borrow or read materials.
 - Follow-up to ensure that all records (general education and special education) have been received from the child's previous school.

The most reliable method of ensuring that all school records arrive in a timely manner at your child's new school is to hand-carry them. Use the tips provided as a guide to making a smooth move and a pleasant transition for your child.

Remember to send your change of address to *Network News*, ADE/ESS, 1535 W. Jefferson, Bin 24, Phoenix, AZ 85007, or call 602-542-3852 or 800-352-4558. ■

Shirley Hilts-Adams, Contract No. ED003-0009-005, compiled the contents of this publication, with assistance from Joanne Phillips, Rita Kenison, Becky Phifer, Becky Raabe and Tina Swearingen, with funds allocated by the U.S. Department of Education under IDEA '97. The contents do not necessarily represent the policy of the agency nor should endorsement by the federal government be assumed. The Arizona Department of Education of the State of Arizona does not discriminate on the basis of race, religion, color, national origin, sex, disability or age in its programs, activities or in its hiring and employment practices. The following person has been designated to handle inquiries regarding the non-discrimination policies: Debra K. Jackson, Deputy Associate Superintendent.

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Index 45678